Graduation Ceremonies and Other Temporary Events

ADA Symposium 2013

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Session Outline

- Introduction
- Graduation Access
- Other Temporary Events
- Graduation Access Scenarios
- Temporary Event Scenarios
- Graduation Checklist
- Resources
- Questions

Graduation Access

- Graduation is a time for families to celebrate a student's achievements.
- Graduation ceremonies need to be inclusive as people of all ages and with all types of disabilities may be attending.
 - Sometimes without advance notice.
- Schools must be better equipped to serve the needs of attendees with disabilities.

The Varied World of Disability

- People with a wide variety of disabilities may attend a graduation ceremony:
 - Physical, dexterity, or mobility disabilities
 - Cognitive or intellectual disabilities
 - Mental health or emotional disabilities
 - Communication limitations
 - Stamina or strength impairments
 - Respiratory impairments
 - Chemical or environmental sensitivity
 - People who are blind or have low vision
 - People who are deaf or hard of hearing

Graduation Access

- Many people have encountered problems due to:
 - Lack of accessible seating leading to families being split up
 - Inadequate signage
 - Lack of accessible parking
 - Need for ASL Interpreters or CART
 - Improper site selection criteria
 - Inaccessible websites or websites that don't contain appropriate contact information
 - Such as identifying ADA/504 coordinator
 - Training for ADA/504 coordinators is also an issue

Other Temporary Events

- What are temporary events?
- Different issues for different types of temporary events
 - Repurposing permanently built environments vs.
 creating temporary structures for event
 - Large event vs. small event
 - One time event vs. intermittent event
 - Hybrid
 - Events for employees only

Legal Standards

- ADA obligations are generally the same for temporary events as they are for permanent structures.
- References in temporary structures/events in 2010 ADA Standards
 - 201.3 Temporary and Permanent Structures. These requirements shall apply to temporary and permanent buildings and facilities.
 - Advisory 201.3 Temporary and Permanent Structures. Temporary buildings or facilities covered by these requirements include, but are not limited to, reviewing stands, temporary classrooms, bleacher areas, stages, platforms and daises, fixed furniture systems, wall systems, and exhibit areas, temporary banking facilities, and temporary health screening facilities.
 - 213.2 Toilet Rooms and Bathing Rooms. Portable toilets.

Legal Standards

- Limited Exceptions for Temporary Structures:
 - Construction sites, including portable toilet units provided for use exclusively by construction personnel.
 2010 ADA Standards, Section 203.2.
 - Signs in use for seven days or less. 2010 ADA Standards, Section 216.1.
 - Mobile or portable amusement rides. 2010 ADA Standards, Section 234.

Legal Standards

Depends on the type of temporary event:

- Title I
 - Employee events
- Title II / Rehabilitation Act
 - Graduation ceremonies, state and county fairs, etc.
- Title III
 - Concerts, farmers' markets, antique shows, etc.

Scenario: The graduation facility has a no pets policy and someone shows up with a service animal.

Questions:

- What is a service animal?
- Must the service animal be admitted?
- What questions may be asked of the individual?
- Can the animal be excluded if it is not house broken?
- What about miniature horses?
- How to make sure that all employees/volunteers are aware of this policy?

What is a service animal?

- "New" definition
- Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability . . . The work or tasks performed by a service animal must be directly related to the individual's disability.

28 C.F.R. § 35.104 (Title II); 28 C.F.R. § 36.104 (Title III)

Must the service animal be admitted?

Generally, public entities and public accommodations shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

Where can a service animals go?

All areas of the place of public accommodation where members of the public, program participants, patrons are allowed to go.

28 C.F.R. § 35.136 (Title II); 28 C.F.R. § 36.302(c) (Title III)

What questions may be asked of the individual?

Only two inquiries:

- (1) Whether the animal is required because of a disability; and
- (2) What work or task the animal has been trained to perform.
- Should not ask these questions if it is readily apparent that an animal is trained to do work or perform tasks
- Cannot require documentation (proof of certification, training or licensing)

Can the animal be excluded if it is not house broken?

Service animal can only be excluded if:

- (i) The animal is out of control and the animal's handler does not take effective action to control it; or
- (ii) The animal is not housebroken.

However, if an animal is properly excluded, you must give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

What about miniature horses?

Must modify policies, practices or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Can consider factors: The type, size, and weight of the miniature horse and whether the facility can accommodate these features; Whether the handler has sufficient control of the miniature horse; Whether the miniature horse is housebroken; and Whether the miniature horse's presence in a specific facility; compromises legitimate safety requirements that are necessary for safe operation.

How to make sure that all employees/volunteers are aware of this policy?

- Draft policy welcoming service animals
- Train employees and volunteers about this policy
- Designate one person to take ownership of all accessibility issues
 - If Title II can be ADA/504 Coordinator
- Be sure all employees and volunteers know where and who to turn on the day(s) of the event if they have any questions
- Do a dry run with persons with disabilities prior to the event to spot any potential barriers or issues that need to be addressed before the event takes place

Scenario: A family of three people show up and one person uses a wheelchair.

Questions:

- Will the family be able to sit together?
- Is it appropriate to have a policy limiting accessible seating to one companion?
- What if the family does not want to split up?
- Does it matter if advance notice was given?

Will the family be able to sit together?

- Best practice: Prevent this situation by asking the right questions on a registration form.
- When asking registrants about need for accommodations, give options to get people thinking and leave a space for "other."
 - Seating requests:
 - Number of wheelchair spaces _____
 - Number of companion seats needed ______
 - Other needs related to seating ______

While we're on the topic of registration forms...

Other questions to ask:

- Auxiliary aids: CART? Sign language interpreter? Other?
- Materials in alternate format: Electronic materials in advance? Electronic text file on site? Large print (insert size requested ____)? Materials in Braille?
- Dietary restrictions (if providing meals): Pre-cut? Vegan?
 Vegetarian? Dairy-free? Kosher? Other?
- Catch-all at end: Please tell us of any additional needs you may have for this meeting; please be as specific as possible.
- If unclear follow-up!

Other tips for registration form:

- Advise participants that while every effort will be made to accommodate advance requests, on-site requests cannot be guaranteed
- Provide name of contact person for accessibility requests
- Close registration in a timely manner
 - Allow time to secure accommodations (start asap)
 - Know local organizations and how long it takes

Considerations for electronic registration forms

ADA & Section 508

Is it appropriate to have a policy limiting accessible seating to one companion?

- ADA regulations
 - People purchasing a ticket for an accessible seat may purchase up to three additional seats for their companions in the same row and these seats must be contiguous with the accessible seat.
 - If contiguous seats have already been sold and are not available, the venue must offer other seats as close as possible to the accessible seat.
 - ❖ When a venue allows the purchase of more than four tickets, that policy also applies to tickets for accessible seats, but only three companion seats must be contiguous with the accessible seat.

28 CFR § 35.138 (Title II); 28 CFR § 36.302(f) (Title III)

- What if the family does not want to split up?
 - * Ideas?
- What if advance notice was not provided?
 - * Ideas?

• Scenario: A person who is deaf shows up and requests a American Sign Language Interpreter.

Questions:

- How should the school respond?
- What if the interpreter was requested 2 weeks before the graduation?
- What if there is a request for CART, (Computer Assisted Realtime Translation), two weeks before the graduation?
- What if there's no money in the budget?

A public entity or public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities unless doing so would fundamentally alter the nature of the service or would result in an undue burden.

28 C.F.R. § 35.160 (Title II)

28 C.F.R. § 36.303 (Title III)

- How should school respond?
 - Prevent this situation with a clear registration form and contact information for the accessibility point person
 - Should the school have anticipated a need?
- What if there is a request for CART, (Computer Assisted Realtime Translation) two weeks before the graduation?
 - Undue administrative burden?

What if there's no money in the budget?

- Title II: Decision must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. 28 C.F.R. § 35.164 (Title II)
- All funding sources need to be considered.
- Consider alternatives that do not cause undue burden or fundamental alteration.

• **Scenario:** The school holds its graduation ceremony in another school's fieldhouse with bleacher seating that is not accessible.

Questions:

- How could this have been prevented?
- Who is responsible the school or the rented facility?
- Are there any good solutions to remove barriers on a temporary basis?

How could this have been prevented?

- Importance of choosing an accessible site
- Credible assessment of chosen site
- Tools to use
 - Graduation checklist
 - Barrier removal checklist http://www.adachecklist.org
 - Other tools?

Title II: Who is responsible?

- Title II's program access
- Both schools are required to provide program access

 Query: Which school is responsible if the graduation ceremony has no auxiliary aids and services?

Title III: Who is responsible?

Grove v. De La Cruz, 407 F.Supp.2d 1126 (S.D. Cal. 2005)

- Restaurant restroom lacked grab bars & wide doorway.
- Lease prohibited alterations by Lessee "without... written consent."
- Court: ADA covers "any person who owns, leases (or leases to), or operates a place of public accommodation." 42 U.S.C. §§ 12182(a)
- Both the landlord & tenant are public accommodations.
- Landlord & tenant may "allocate responsibility for compliance...," but this does not affect [a tenants'] obligations.

- Are there any good solutions to remove barriers on a temporary basis?
 - We will discuss with checklist
- Schools should be sure to follow transition plan
 - Community colleges are often good resources students can get educational credit for providing assistance with transition plans.
 - The Graduation Checklist can be part of the Transition Plan.
 - Transition Plans should be updated regularly.

County/State Fair Access Scenario: The Case of the Inaccessible Fair

- Permanent buildings
 - Title II
- Tents careful of level changes and protruding objects
- Counters counter height or other accommodation
- Outdoor event on a large grassy area
- Amusement rides
- Animal containment areas
- How to accommodate
 - Evaluate before event

- Scenario: Meeting is hosted in a hotel that is known to be accessible.
- Questions:
 - Can there still be problems with accessibility?
 - What does the host need to ensure?
 - Are attendees staying at the hotel?
 - Any other considerations?

Can there still be problems with accessibility?

- Two-tiered site check
- Fixed elements
 - Parking
 - Route from parking lot to building entrance
 - Building entrance
 - Accessible route to area
 - Meeting room
 - Restrooms

What does the host need to ensure?

- Temporary elements
 - Configure meeting room furniture to allow everyone to participate
 - Access provided to all participant seating locations;
 speakers' area; and refreshments
 - Registration table
 - Refreshment table
 - Standing signs

Are attendees staying at the hotel?

Importance of surveying hotel rooms before the event

Any other considerations?

Maintenance of accessible features

Building Blocks for Temporary Events

- Considering accessibility issues ahead of time
- Physical access
- Communication access
- Modifying policies to accommodate people with disabilities
- Policies and training
- Using all available resources (like the graduation checklist!)

The Graduation Accessibility Checklist



Overview: Checklist for Creating Accessible Graduation Ceremonies

Each Section Has An Introductory Narrative & Checklist

- 1. Staff Coordination, Training, and Reasonable Accommodations
- 2. Invitations, Promotional Materials, and Programs
- 3. Site Selection and Accessibility
- 4. Auxiliary Aids and Services
- 5. Service Animals
- 6. Auditorium Assembly Area
- 7. Stage Access

Appendix A: Resource List for Improving Accessibility

Appendix B: People First Language

Graduation Checklist – Staff Training

Best Practices for Staff Coordination and Training	Yes	No
 Have you identified one or two staff members to oversee accessibility issues, perhaps led by the ADA / Section 504 Coordinator? 		
 Have the designated staff members been given the responsibility of implementing policies and procedures to ensure that individuals with disabilities have equal opportunities to participate in, and enjoy the benefits of, the graduation program? 		
 Are staff members prepared for guests with disabilities who did not provide advance notice of their needs? 		
 Do staff members know the standards for physical and programmatic access, including requirements for the graduation stage, auditorium seating/assembly areas, and communication accessibility? Note: This information is provided in the following checklists. 		
Are staff members aware of available resources regarding reasonable accommodations?		
 Do you plan to do a dry run with persons with disabilities prior to the event to spot any potential barriers or issues that need to be addressed before the event takes place? 		

Graduation Checklist – Website Access

	Accessibility of Promotional Website	Yes	No
•	Is your website compatible with screen-reading software?		
•	Do all graphical elements of your website, like images, have alternative textual descriptions so that a screen reader can "read" the image?		
•	Are all PDF documents contained on the website created so that they are accessible to a screen reader?		
•	Is your website designed so that it is still usable if the font size becomes larger?		
•	Is there a high color contrast between the website's background and text?		
•	Can you access the entire page without using the mouse? For instance, can you navigate through the links and form using only the tab key?		
•	If you have videos, are they captioned for people who are deaf or hard of hearing?		
•	Do the links on your website have appropriate labels to enable a screen reader to know where that link is taking them?		
•	Have you performed a preliminary review of your website to determine its accessibility? Additional information can be found at: www.w3.org/WAI/eval/preliminary.html		

Graduation Checklist – Site Selection

	Steps to Ensure Site Accessibility	Yes	No
•	Did the staff visit the potential venue to assess accessibility and/or needed modifications (even if this is the school)?		
•	Did the staff identify all potential barriers and think of ways to remove each barrier (by using this or another checklist)?		
•	Has the responsible staff member(s) ensured that the facilities and equipment required to be readily accessible are in operable working condition and usable by persons with disabilities?		

Graduation Checklist – Site Selection: Parking

	Site Accessibility: Parking	Yes	No
•	Does the venue have accessible parking in sufficient numbers for the total number of spaces available? The ADA Standards requirements for the required number of accessible parking spaces are outlined below.		
•	Is the accessible parking identified by proper signage?		
•	Are the accessible parking spaces at least 16 feet wide, including either an 8 foot or 5 foot wide diagonally striped access aisle which can be used to maneuver wheelchairs immediately next to the accessible parking space?		
•	Is there a curb cut close to the accessible parking and accessible entrance so that individuals who use wheelchairs can travel on a safe path off the parking lot and on a level sidewalk?		
•	In the absence of sufficient accessible parking, has the school considered accessible parking permits (or valet services) for accessible parking for the event?		
•	Is there a continuous accessible path of travel from the parking to the facility including curb cuts, ramps, and signage?		

Graduation Checklist – Site Selection: Parking

Table 208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20. plus 1 for each 100, or fraction thereof, over 1000

Note: Other Site Selection categories include entrances and buildings

Graduation Checklist – Site Selection & Accessibility

- Entrances
- Path of Travel
- Emergency Preparedness
- Lighting
- Restrooms
- Signage

Graduation Checklist – Auxiliary Aids and Services

	Communication Access: Auxiliary Aids and Services	Yes	No
•	Did you know that the school may <u>not</u> assess an additional charge for providing a required auxiliary aid or service under the ADA?		
•	Do all promotional materials include information about how to request an auxiliary aid or service and applicable deadlines?		
•	If a sign language interpreter is requested, is there a position where the interpreter can stand so people who are deaf or hard of hearing can see both the person speaking and the interpreter's face and hand movements?		
•	If lighting will be dimmed for any part of the event, can the audio-visual technician position a spotlight for the interpreter that distributes light clearly and evenly to the face and upper body?		
•	If computer-assisted transcript (also called CART) is requested, is there a position where the CART reporters can connect their equipment and project it onto a large screen or television monitor?		
•	Do you have an assistive listening system (e.g., a loop system or an FM or infrared amplification system) installed? If there is an audio loop, has it been placed towards the front of the room with clear sight lines to the stage and the speaker(s)?		
•	Are all videos or film used as part of the event captioned to give access to deaf and hard of hearing viewers?		

Graduation Checklist – Service Animals

Note: Service animals may be used by people with a variety of disabilities.

	Service Animals	Yes	No
·	Did you know that an exception to a "no pets" policy must be made for service animals?		
·	Did you know that staff may only inquire as to whether an animal is a service animal or ask what tasks the animal has been trained to perform?		
•	Did you know that staff may not ask about the person's disability?		
•	Did you know that staff cannot require certification, ID cards, or insist that service animals wear a special harness or cape?		
·	Did you know that separate fees cannot be charged for admitting a service animal?		
·	Did you know that the school is not required to provide care or food for a service animal or provide a special location for it to relieve itself?		
•	Did you know that allergies and fear of animals are generally not valid reasons for denying access?		
•	Did you know that violators of the ADA may be required to pay money damages		

Graduation Checklist – Auditorium Seating

Auditorium/Assembly Areas	Yes	No
• Is there a plan for the flow of people throughout the event that provides sufficient space for mobility?		
 Have you offered front row seating to students or guests who are deaf or hard of hearing? 		
 If your graduation ceremony is in an assembly area with fixed seating, do you have the required number of seats for people who use wheelchairs (as described in the following table)? 		
• Is there designated wheelchair seating? Is it higher than other rows of seats in front of it to provide an unobstructed, comparable line of sight to the program?		
 Is the wheelchair seating integrated into the seating arrangement so that people have a range of options for viewing the ceremony? 		
Is the surface around the wheelchair seating smooth, even, and on an accessible route of travel?		
 Are there sufficient numbers of companion seats provided so that families do not have to be separated? (Many facilities only provide three companion seats. However, it is preferred that families not be separated at graduation ceremonies. Therefore, facilities should provide seating for people who use wheelchairs and their companions to the maximum extent feasible absent undue burden) 		
 For events where bleacher seating is used, have accessible seating positions been incorporated to allow for integrated seating and a clear line of sight? 		
• In auditoriums and assembly areas, is at least 5 percent of the total number of aisle seats provided an aisle seat in which a person can easily transfer to or from a wheelchair? Does the aisle seat have no armrests on the aisle side, or removable or folding armrests on the aisle side?		

Graduation Checklist – Auditorium Seating

Table 221.2.1.1 Number of Wheelchair S	Spaces in Assembly Are	eas
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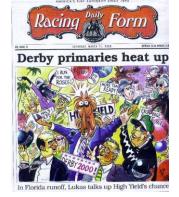
Number of Seats	Minimum Number of Required Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 150	4
151 to 300	5
301 to 500	6
501 to 5000	6, plus 1 for each 150, or fraction thereof, between 501 through 5000
5001 and over	36, plus 1 for each 200, or fraction thereof, over 5000

Graduation Checklist – Stage Access

	Stage Access	Yes	No
•	Is the responsible staff member(s) aware that ramps are preferable to lifts when it comes to stage access?		
*	The amount of time it takes to operate a lift could disrupt a ceremony and unfairly focus the audience's attention on the person with a disability rather than the ceremony.		
•	Have ramps been installed for stage access for people with disabilities, including teachers, administrators, graduates, or other invited guests/speakers?		
	Is the maximum slope of a ramp 1:12 (one foot long for every one inch of		
	rise)? See Section 405 of the 2010 ADA Standards for more information.		
*	Note: Ramp ratios of 1:16 or 1:20 provide greater access.		
•	Are handrails provided to assist graduates with disabilities or staff members in ascending or descending the stairs to the stage?		
•	Has the responsible staff member(s) discussed stage access options with the graduate to ascertain his/her preferences?		
•	Are the lectern, podium, and microphones accessible?		

Resources

- Accessible Temporary Events, A Planning Guide
 http://design-dev.ncsu.edu/openjournal/index.php/redlab/article
 /viewFile/123/68
- ADA Guide for Small Towns http://www.ada.gov/smtown.pdf
- Accessible Information Exchange: Meeting on a Level Playing Field
 - http://www.ada.gov/business/accessiblemtg.pdf
- Smithsonian Accessibility Project
 http://accessible.si.edu/pdf/Smithsonian%20Guidelines%20for%20accessible%20design.pdf
- ABA: Toolkit for Planning Meetings and Accessible Events
 http://www.americanbar.org/content/dam/aba/administrative/mental_p
 hysical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf



Resources

- U.S. Department of Justice (DOJ) www.usdoj.gov/crt/ada/adahom1.htm 800.514.0301 (V); 800.514.0383 (TTY)
- Access Board (Architectural and Transportation Barriers Compliance Board) info@accessboard.gov www.access-board.gov (800) USA-ABLE (V/TTY)
- Your regional ADA Center (800) 949-4232 (V/TTY) www.adata.org

QUESTIONS??

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